

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8559 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.
2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge? No.

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PREMCHAND RATANCHANDRA SINGHAI

Versus

BARODA MUNI. CORPN.  
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Appearance:

MR BS PATEL , Advocate, for Petitioner  
MR PRANAV G. DESAI, Advocate, for Respondent No. 1  
MR MR. M.R. ANAND, G.P. with Mr. B. Y MANKAD, for  
respondent no.2.

Coram:-N. N. Mathur, J.  
(1-3-1996)

Oral Judgment:-

It is agreed that dispute with respect to subject land is pending before the Civil Court and there is injunction against the Government as well as Vadodara Municipal Corporation.

2. Considering the fact that the petitioner was dispossessed in disregard to injunction granted by Civil Court, this Court by interim order directed to restore the possession and further respondents were directed not to restrain the petitioner from putting cabin and carts for carrying on his business at the place where he was carrying on the business immediately prior to removal.

3. The say of the petitioner is that he had put cabin on the land of erstwhile ruler Gaekwad. There is no encroachment on the road. I am not required to go into the question as the dispute is pending before the Civil Court.

4. Considering the fact of pendency of Civil Court between the parties and the fact that the petitioner was dispossessed in disregard to injunction granted by Civil Court, the interim relief granted by this Court, deserves to be made absolute subject to decision of the Civil Court.

5. If Municipal Corporation finds that there is encroachment on public way or otherwise, it will be open for them to move to Civil Court for vacation or modification of injunction order as the case may be.

6. Rule made absolute to the aforesaid extent. No order as to cost.

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